

Oral Argument Calendar
United States Court of Appeals for the Sixth Circuit

Tuesday, March 08, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Clay, Gilman, Griffin**

15-1720 Jerriek Rodriques v. Delta Airlines, Inc.

[2:14-cv-12707](#)

Eastern District of Michigan at Detroit

B. Friedman

In this employment discrimination action alleging racial discrimination and retaliation, plaintiff appeals the summary judgment for defendant and the denial of his motion to alter or amend under Rule 59(e). (15 Minutes Per Side)

15-3551 Siding and Insulation Co. v. Alco Vending, Inc.

[1:11-cv-01060](#)

Northern District of Ohio at Cleveland

L. Wells

Plaintiff appeals the summary judgment for the defendant in this putative class action lawsuit alleging that the defendant sent unsolicited faxes in violation of the Telephone Consumer Protection Act. (15 Minutes Per Side).

12-6564 Michael Brizendine v. Philip Parker

[3:11-cv-00180](#)

Western District of Kentucky at Louisville

J. Coffman

J. Moyer

Petitioner appeals the district court's denial of his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-5530 USA ex rel TN Valley Authority v. 1.72 Acres Of Land in TN, et al.

[4:13-cv-00033](#)

Eastern District of Tennessee at Winchester

W. Carter

Defendants appeal the judgment for Plaintiffs confirming condemnation of property. (15 Minutes Per Side).

15-5806 USA v. Juan Collazo

[3:13-cr-00209-1](#)

Middle District of Tennessee at Nashville

T. Campbell

Defendant appeals his judgment of conviction for conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine. (15 Minutes Per Side)

Tuesday, March 08, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Merritt, Gibbons, Sutton**

15-1821 Spirit Airlines, Inc. v. Assn of Flight Attendants

[2:14-cv-10715](#)

Eastern District of Michigan at Detroit

P. Duggan

Plaintiff appeals the summary judgment for the defendant on its counterclaim asking the district court to enforce an arbitration award issued pursuant to mandatory arbitration provisions in the parties collective bargaining agreement. (15 Minutes Per Side).

14-2334 James Altman v. Thomas Winn

[2:08-cv-13332](#)

Eastern District of Michigan at Detroit

S. Beckwith

Petitioner appeals a district court judgment denying his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-5734 Amy Witham v. Intown Suites Louisville N.E.

[3:13-cv-01167](#)

Western District of Kentucky at Louisville

D. Hale

Plaintiff appeals the summary judgment for Defendant in this diversity action for retaliation and related claims, arising from Plaintiff's termination following her altercation with a vending machine customer. (To Be Submitted On Briefs)

15-1833 Jean Davis v. L-3 Communications, CPS

[1:13-cv-00166](#)

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the grant of summary judgment on her claims under the Age Discrimination in Employment Act. (To Be Submitted On Briefs)

Tuesday, March 08, 2016

403 - 4th Floor Courtroom, 2:30 P.M.

Before: **Boggs, Gibbons, Griffin**

15-5181 USA v. Mark Sawyer

2:11-cr-00082-3

Eastern District of Tennessee at Greeneville

J. Greer

Defendant appeals his conviction for conspiracy to defraud the United States. (15 Minutes Per Side)

Wednesday, March 09, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Clay, Gilman, Griffin**

15-1995 Jared Rapp v. Susan Putman, et al.

[1:14-cv-01163](#)

Western District of Michigan at Grand Rapids

R. Jonker

Plaintiff appeals the dismissal of his civil rights action asserting a First Amendment retaliation claim and a Fourth Amendment malicious prosecution claim. (15 Minutes Per Side)

15-1524 Linda Richko v. Wayne County, et al.

[2:12-cv-11232](#)

Eastern District of Michigan at Detroit

D. Hood

In this civil rights action alleging constitutional and state law claims arising from the death of the decedent after he was assaulted by a fellow inmate, the defendants appeal the denial of summary judgment on grounds of qualified immunity. (15 Minutes Per Side)

14-6290 USA v. Kim Dubrule

[2:07-cr-20246-2](#)

Western District of Tennessee at Memphis

S. Anderson

14-6376 USA v. Rosaire Dubrule

[2:07-cr-20246-1](#)

Western District of Tennessee at Memphis

S. Anderson

Defendants appeal their convictions for conspiracy to distribute Schedule II and III controlled substances (both), and unlawful distribution of a controlled substance, criminal forfeiture (Rosaire only). (10 Minutes for each Defendant; 20 Minutes for Plaintiff).

Wednesday, March 09, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Moore, Stranch**

15-1725 Nigel Wright v. S. Burt

[2:12-cv-14164](#)

Eastern District of Michigan at Detroit

A. Tarnow

Respondent appeals the district court's judgment granting habeas corpus relief to the petitioner pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-1722 Jeff Courtright v. City of Battle Creek, et al.

[1:14-cv-01297](#)

Western District of Michigan at Grand Rapids

R. Jonker

Defendants appeal the denial of summary judgment on grounds of qualified immunity in this civil rights action alleging use of excessive force and illegal search and seizure. (15 Minutes Per Side)

15-3782 Mountain States Contractors v. SOL, et al.

13-2043

Occupational Safety & Health Review Commission

Petitioner seeks review of a decision of the Occupational Safety and Health Review Commission issued in response to a report of a crane collapse at petitioner's worksite. (15 Minutes per Side)

15-1716 Trevor Schleicher v. Preferred Solutions, Inc.

[2:14-cv-10729](#)

Eastern District of Michigan at Detroit

P. Borman

Plaintiff appeals the summary judgment for defendant on his claim under the Equal Pay Act. (15 Minutes Per Side)

15-1696 USA v. Diane Davis

[4:13-cv-11245](#)

Eastern District of Michigan at Flint

T. Berg

In this action by the government to enforce a tax lien, defendant appeals the order of sale, the denial of her motion for reconsideration and the denial of her objections to the sale. (To Be Submitted On Briefs)

15-3524 MSCI 2007-IQ16 Granville Retl v. UHA Corporation, LLC

[2:11-cv-00487](#)

Southern District of Ohio at Columbus

N. King

Defendant appeals the summary judgment for plaintiff in this diversity foreclosure proceeding. (To Be Submitted On Briefs)

15-3668 USA v. Real Property 10338 Marcy Road, et al.

[2:13-cv-01048](#)

Southern District of Ohio at Columbus

G. Smith

Claimant Levi H. Winston appeals the judgment for the government in this in rem forfeiture proceeding alleging that the property at issue was purchased with proceeds derived from Winston's large-scale drug trafficking operation. (To Be Submitted On Briefs)

15-5462 USA v. Francisco Araiza

[5:14-cr-00104-1](#)

Eastern District of Kentucky at Lexington

D. Reeves

Defendant appeals his conviction for conspiracy to distribute 500 grams or more of methamphetamine and use of a facility to transfer proceeds from distribution of methamphetamine. (To Be Submitted On Briefs)

Wednesday, March 09, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Merritt, Gibbons, Sutton**

15-3654 USA, et al. v. U.S. Bank, N.A.

3:13-cv-00704

Northern District of Ohio at Toledo

J. Zouhary

The Plaintiff/Relator appeals the dismissal of its complaint alleging that the defendant violated the False Claims Act by falsely affirming compliance with the regulatory requirements of certain government-insured home mortgage programs and collecting insurance payments when it foreclosed on the mortgaged properties. (15 Minutes Per Side; 5 Minutes for the Amicus Curiae).

15-1637 Ralph Eldridge v. City of Warren, MI, et al.

2:10-cv-12893

Eastern District of Michigan at Detroit

V. Roberts

15-1690 Ralph Eldridge v. City of Warren, MI, et al.

2:10-cv-12893

Eastern District of Michigan at Detroit

V. Roberts

In this civil rights excessive force action tried to a jury, plaintiff appeals the judgment for the defendants, and defendants cross-appeal various adverse rulings. (15 Minutes Per Side)

15-5831 Kevin Gandy v. Elliott Schuchardt

3:14-cv-00255

Eastern District of Tennessee at Knoxville

C. Shirley

P. Reeves

15-5832 Kevin Gandy v. Elliott Schuchardt

3:14-cv-00255

Eastern District of Tennessee at Knoxville

C. Shirley

P. Reeves

The debtor appeals a district court's order in an adversary proceeding affirming the bankruptcy court's denial of his discharge from Chapter 7 bankruptcy, and one of his creditors cross-appeals the dismissal of his cross-appeal as moot. (15 Minutes Per Side)

15-5085 USA v. Steven Pittman

3:10-cr-00046-1

Middle District of Tennessee at Nashville

W. Haynes

Defendant appeals his conviction for being a felon in possession of a firearm and possession with intent to distribute a quantity of cocaine. (To Be Submitted On Briefs)

Wednesday, March 09, 2016

EnBanc

403 - 4th Floor Courtroom, 2:00 P.M.

14-5860 Avelino Cruz Martinez v. USA, et al.

3:14-cv-00174

Middle District of Tennessee at Nashville

A. Trauger

Petitioner appeals a district court judgment denying his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2241. (20 Minutes Per Side)

14-1670 Detroit Free Press, Inc v. USDOJ

2:13-cv-12939

Eastern District of Michigan at Detroit

P. Duggan

The government appeals the summary judgment for the plaintiff in this action under the Freedom of Information Act challenging the denial of a request for booking photographs. (20 Minutes Per Side)

Thursday, March 10, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Clay, Gibbons, Stranch**

15-1479 Gianni-Paolo Ferrari v. Ford Motor Company[5:13-cv-14857](#)

Eastern District of Michigan at Ann Arbor

J. Levy

Plaintiff appeals the summary judgment for defendant in this employment discrimination action alleging claims under the ADA, the FMLA, and state law. (15 Minutes Per Side)

13-3742 Terrance Walter v. Bennie Kelly[1:11-cv-01386](#)

Northern District of Ohio at Cleveland

J. Carr

Petitioner appeals the district court's judgment denying his petition for habeas corpus relief, filed under 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-3597 Teresa Green v. Central OH Transit Authority[2:13-cv-00041](#)

Southern District of Ohio at Columbus

E. Deavers

Plaintiff appeals the summary judgment for the defendants on her claims brought under Title VII and the ADA against her former employer alleging race discrimination, failure to accommodate, and retaliation. (15 Minutes Per Side).

15-5237 USA v. Lester Barnes[3:13-cr-00117-1](#)

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his conviction for distribution of oxycodone, possession with intent to distribute oxycodone, possession of a firearm in furtherance of a drug trafficking offense, and being a felon in possession of firearms and ammunition. (15 Minutes Per Side)

15-3779 USA v. Debbie Sferraza[1:10-cr-00002-1](#)

Southern District of Ohio at Cincinnati

S. Dlott

Defendant appeals the order denying habeas corpus relief. (To Be Submitted On Briefs)

Thursday, March 10, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Daughtrey, Moore, Sutton**

14-2538 Dianna Jackson v. Trinity Health-Michigan

2:12-cv-13989

Eastern District of Michigan at Detroit

D. Hood

Plaintiff appeals the summary judgment for defendant in this employment discrimination action asserting claims for race and age discrimination and retaliation. (15 Minutes Per Side)

15-5796 FHLMC v. Donald Gilbert

2:14-cv-02509

Western District of Tennessee at Memphis

C. Claxton

S. Lipman

Defendant appeals the judgment for Plaintiff in this civil action alleging various claims arising from foreclosure proceedings on Defendant's residential property. (15 Minutes for Appellant; 15 Minutes to be Shared by Appellees)

15-1616 Tri-State Whsle Bldg Supplies v. NLRB

09-ca-125950

National Labor Relations Board

15-1678 Tri-State Whsle Bldg Supplies v. NLRB

09-ca-125950

National Labor Relations Board

The company petitions for review and the NLRB cross-petitions for enforcement of a decision of the Board finding violations of federal labor law. (15 Minutes Per Side)

15-5645 Barbara Perry v. American Red Cross, Nashville, et al.

3:13-cv-01146

Middle District of Tennessee at Nashville

T. Campbell

Plaintiff appeals the summary judgment for Defendant in this employment discrimination action alleging violations of the Americans with Disabilities Act and the Family and Medical Leave Act. (15 Minutes Per Side).

Thursday, March 10, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Cole, Merritt, Griffin**

15-3492 Andrew Njuguna Chege, et al. v. Loretta Lynch

a098 519 197 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (15 Minutes Per Side)

15-1585 Kevin Smith v. City of Inkster, et al.

4:12-cv-15440 Eastern District of Michigan at Flint G. Drain

In this action alleging claims of race discrimination and retaliation under Title VII, plaintiff appeals the summary judgment for defendants and the denial of his motion for reconsideration. (15 Minutes for Plaintiff; 15 Minutes to be Shared by the Defendants)

15-1433 Caterpillar Logistics, Inc. v. NLRB

09-ca-110687 National Labor Relations Board

15-1611 Caterpillar Logistics, Inc. v. NLRB

09-ca-110687 National Labor Relations Board

Petitioner seeks review and the NLRB seeks enforcement of a decision of the Board finding violations of federal labor law. (15 Minutes for Petitioner; 15 Minutes to be Shared by Respondent & Intervenor)

15-5754 USA v. Ronald Paul

2:12-cr-00005-1 Middle District of Tennessee at Cookeville W. Haynes

Defendant appeals his convictions for failure to register and/or update registration under the Sex Offender Registration and Notification Act. (15 Minutes Per Side)

Thursday, March 10, 2016

All Cases on Briefs

Before: **Cole, Merritt, Griffin**

14-4204 USA v. Diere DeJournett**5:13-cr-00513-1** Northern District of Ohio at Akron

S. Lioi

Defendant appeals the judgment entered and the sentence imposed following his guilty plea to conspiracy to distribute and possess with intent to distribute cocaine and money laundering. (To Be Submitted On Briefs)

15-5550 USA v. Floyd Davis**1:14-cr-00007-1** Eastern District of Tennessee of Chattanooga

H. Mattice

Defendant appeals his conviction for being a felon in possession of a firearm. (To Be Submitted On Briefs)

15-3702 Randy Miller, et al. v. Randall Meyer, et al.**2:14-cv-00101** Southern District of Ohio at Columbus

G. Frost

Plaintiffs appeal the summary judgment for the defendants on their complaint alleging violations of their civil rights, malicious prosecution, and conspiracy in relation to a criminal indictment charging plaintiffs with obstructing justice and complicity in obstruction of justice. (To Be Submitted On Briefs)

15-5557 Charles Miller v. Geoffrey Mearns, et al.**2:14-cv-00137** Eastern District of Kentucky at Covington

D. Bunning

Plaintiff appeals the summary judgment for Defendant in this civil action alleging claims for violation of procedural due process and breach of contract arising from his termination. (To Be Submitted On Briefs)

15-3346 USA v. Gilberto Torres**1:14-cr-00324-1** Northern District of Ohio at Cleveland

B. Pearson

15-3353 USA v. Antonio Turner**1:14-cr-00324-3** Northern District of Ohio at Cleveland

B. Pearson

Defendants appeal the judgments entered and sentences imposed following their guilty pleas to being felons in possession and trafficking in firearms. (To Be Submitted On Briefs)

Friday, March 11, 2016

403 - 4th Floor Courtroom, 8:30 A.M.

Before: **Clay, Gibbons, Stranch**

10-5999 Heather McKeever, et al. v. Mortgage Electronic Registrati, et al.

[5:08-cv-459](#)

Eastern District of Kentucky at Lexington

D. Bunning

12-5802 GMAC Mortgage, LLC, et al. v. Heather McKeever, et al.

[5:08-cv-00459](#)

Eastern District of Kentucky at Lexington

D. Bunning

Plaintiffs appeal the district court's dismissal, and subsequent denial of reconsideration, of their civil action to quiet title to a piece of property they purchased. (15 Minutes for Appellants; 15 Minutes to be Shared by Appellees)

14-2412 USA v. Carl Fowler

[2:11-cr-20468-33](#)

Eastern District of Michigan at Detroit

A. Tarnow

15-1073 USA v. Michael Thoran

[2:11-cr-20468-39](#)

Eastern District of Michigan at Detroit

A. Tarnow

Defendants appeal their jury convictions and sentences for health care fraud, conspiracy to distribute controlled substances, and conspiracy to pay and receive health-care kickbacks. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

15-3758 Bi Qing Zheng v. Loretta Lynch

a206 736 859

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

15-1061 Michael May v. CitiMortgage, Inc., et al.

[2:12-cv-14603](#)

Eastern District of Michigan at Detroit

L. Michelson

Plaintiff appeals the summary judgment for the defendants in this diversity breach of contract action alleging a failure to refinance a mortgage loan, the denial of his motion to amend the complaint, and the denial of his motion for reconsideration. (To Be Submitted On Briefs)

Friday, March 11, 2016

607 - 6th Floor West Courtroom, 8:30 A.M.

Before: **Daughtrey, Moore, Sutton**

15-3797 John Ruiz-Bueno, III, et al. v. Maxim Healthcare Services, Inc, et al.

[2:14-cv-02548](#)

Southern District of Ohio at Columbus

G. Frost

T. Kemp

Plaintiffs appeal the judgment granting the defendants' motion to dismiss in this civil rights case stemming from the death of Edward Peterson while incarcerated at the Franklin County Ohio Correctional Center II. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

15-1299 USA v. Kelvin Crumpton

[2:13-cr-20842-1](#)

Eastern District of Michigan at Detroit

A. Tarnow

The government appeals the order granting a judgment of acquittal of the defendant's conviction under the Armed Career Criminal Act for possessing ammunition following three felony convictions. (15 Minutes Per Side)

15-1560 USA v. Kelvin Crumpton

[2:13-cr-20842-1](#)

Eastern District of Michigan at Detroit

A. Tarnow

In this criminal action tried to a jury, defendant appeals his conviction of possession with intent to distribute controlled substances. (15 Minutes Per Side)

15-3728 Martin Campos-Luna v. Loretta Lynch

a205 118 991

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies reopening of immigration proceedings. (To Be Submitted On Briefs)

15-3433 USA v. Alonso Torres

[2:13-cr-00154-1](#)

Southern District of Ohio at Columbus

E. Deavers

E. Sargus

Defendant appeals the judgment entered and the sentence imposed following his guilty plea to conspiracy to possess with intent to distribute more than one kilogram of heroin. (To Be Submitted On Briefs)